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February 24, 1995

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MD Docket No. 95-3
Regulatory Fees for Fiscal Year 1995

Dear Mr. Caton:

Transmitted herewith on behalf of WNAL-TV, Inc. are an original and four copies of its "Reply Comments" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.

Anne Goodwin Crump

Anne Goodwin Crump
Counsel for
WNAL-TV, Inc.

Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Assessment and Collection)
of Regulatory Fees for)
Fiscal Year 1995)

MD DOCKET NO. 95-3

Directed to: The Commission

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REPLY COMMENTS

WNAL-TV, Inc. ("WNAL-TV"), licensee of Station WNAL-TV, Gadsden, Alabama, by its attorneys, hereby respectfully submits its Reply Comments with regard to the proposed schedule of regulatory fees for fiscal year 1995 as set forth in the Commission's Notice of Proposed Rulemaking, FCC 95-14, released January 12, 1995. With respect thereto, the following is stated:

1. These Reply Comments respond to the "Joint Comments" of Withers Broadcasting Company of Texas ("Withers"), VictoriaVision, Inc. ("VVI"), and South Jersey Radio, Inc. ("South Jersey"), submitted in the above-captioned proceeding on February 13, 1995. In their "Joint Comments," Withers, VVI, and South Jersey demonstrate that the Commission's exclusive reliance upon Arbitron market designations to determine regulatory fees is inequitable to stations operating in small, single county markets distant from the principal city of the Arbitron ADI. Withers, VictoriaVision, and South Jersey pointed out that Arbitron data is obsolete, and that Arbitron's ADI designations do not necessarily reflect the market actually served by small stations located at the edge of large ADI's.

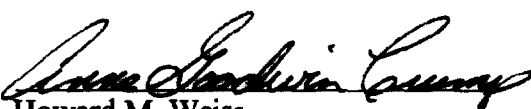
2. As a solution, Withers, VVI, and South Jersey propose that if a television station could certify that its Grade B contour does not encompass the reference co-ordinate for the largest city in its Arbitron ADI or Nielsen DMA television market, then it would be required to pay the regulatory fee amount prescribed for "Remaining Markets." Withers, VVI, and South Jersey attached a list of stations whose Grade B contours do not reach the principal city of the relevant ADI.

3. Overall, WNAL-TV is in agreement with the proposal set forth by Withers, VVI, and South Jersey. WNAL-TV advocated a similar approach in "Joint Comments" filed with Mid-State Television, Inc. WNAL-TV noted, however, that its station was omitted from the list of stations in the Withers comments whose Grade B contours do not reach the principal city of the ADI. WNAL-TV is, however, another station which is so situated. Accordingly, WNAL-TV should be included on the list of affected stations.

4. WNAL-TV reiterates that the Commission's regulatory fee schedule is unfair to small stations located at the fringe of large markets. Fundamental fairness requires changes in the regulatory fee schedule to take into account the special situation of these stations. Use of the Grade B contour as set forth by Withers, VVI, and South Jersey is one method by which the regulatory fee schedule could be made more equitable. Additional possibilities, as set forth in the Joint Comments of WNAL-TV and Mid-Station Television, include the use of audience share figures or population within the Grade B contour. Adoption of any one of these options would result in a more equitable and less arbitrary regulatory fee schedule.

Respectfully submitted,

WNAL-TV, INC.

By: 
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Its Attorneys

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February 24, 1995

CERTIFICATE OF SERVICE

I, Roberta Wadsworth, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that true copies of the foregoing "Reply Comments" were sent this 24th day of February, 1995, by first class United States mail, postage prepaid, to the following:

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Counsel for Withers Broadcasting Company,
VictoriaVision, Inc. and South Jersey Radio, Inc.


Roberta Wadsworth